

REMARKS

Claims 1-28 are now presented for examination. Claims 1, 7, 9, 10, 17, 19 and 26 have been amended. No new matter has been added.

Claims 1, 9, and 19 are independent.

In paragraph 2 of the Office Action, Claims 1-27 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,104,712 (Robert et al.). Applicants believe that Robert et al. does not teach or suggest Applicants' invention as recited in Claims 1-28. Features of amended independent Claim 1 include "storing coverage zones for at least one network switch in the communication system, the coverage zones defining the geographic scope of coverage for mobile devices supported by each network switch", "determining at least a portion of a network path to the device based on a location data and the coverage zone" and "decapsulating the encapsulated data packet at the network switch supporting the mobile device." These features are not taught or suggested by Robert et al.

Robert et al. is directed to a communication network having no traditional wireless network backbone. In particular, Robert et al. provides a network primarily composed of mobile devices in which the mobile devices themselves act as network switches, passing traffic from one mobile switch to another until the data has reached the terminating mobile node. See, e.g., col. 2, lines 22-40 and col. 5, lines 8-13. Although Robert et al. provides for stationary databases storing certain aspects of routing information, Robert et al. does not teach or suggest network switches at the periphery of the stationary network backbone and does not teach "storing coverage zones . . . defining the geographic scope of coverage for mobile devices supported by each network switch." In other words, unlike Applicants' invention, Robert et al. does not teach

or suggest that information relating to wireless areas of coverage for network switches are stored or are tracked. Applicants believe that amended Claim 1 is patentable for at least this reason.

Further, because Robert et al. does not teach the storage of coverage zones for network switches, Robert et al. does not teach or suggest determining any portion of a network path based on the location data for the mobile device “and the coverage zone” as recited in amended independent Claim 1. In fact, Robert et al. teaches that network paths are based solely on the location data (see, for example, FIGS. 13-15). Most certainly, packet routing in Robert is not determined based on wireless coverage zones of network switches. It is for at least for this additional reason that Applicants’ respectfully assert that Claim 1 is patentable over Robert et al.

An additional feature of amended Claim 1 is that the method of the present invention “encapsulat[es] a data packet in an encapsulation packet, the encapsulation packet having a destination address mapable to the location data” and “decapsulates the encapsulated data packet at the network switch supporting the mobile device. In contrast to applicants’ invention, Robert et al. does not teach “decapsulating the encapsulated data packet at the network switch supporting the mobile device” (emphasis added). Rather, Robert et al. teaches that the destination mobile device strips off the routing portion of the packet to recover the originally transmitted data. As recited in amended Claim 1, Applicants’ invention strips the header information at the network switch that supports the mobile device. For at least this additional reason, Applicants respectfully assert that Claim 1 is patentable over Robert et al. and respectfully request the withdrawal of the rejection of this claim.

Features of amended independent Claim 9 include a “first router having ... a coverage zone defining the geographic scope of coverage for mobile devices supportable by at least one

router”, “a second router having a storage unit storing coverage zone data for each of the first routers” and a “central processing unit... determining at least a portion of the network path to the device based on the location data and the storage coverage zone data.” These features are neither taught nor suggested by Robert et al.

As noted above with respect to Claim 1, Robert et al. does not teach the use of coverage zones. As such, Robert et al. does not teach or suggest first router having a coverage zone defining the geographic scope of coverage for mobile device supported by at least one first router. Further, Robert et al. does not teach or suggest that coverage zone data relating to each of the first routers is stored in second routers. Finally, because the concept of coverage zones is neither taught nor suggested by Robert et al., the central processing unit in Robert’s packet routing devices does not determine at least a portion of the network path to the mobile device based in any way on stored coverage zone data. For at least these reasons, amended independent Claim 9 is believed patentable. Accordingly, Applicants’ respectfully request the withdrawal of the rejection of this claim.

A feature of amended independent Claim 19 is that at least one communication interface on the network switch receives “coverage zone information corresponding to at least one network switch in the communication network, the coverage zone information defining the geographic scope of coverage for mobile devices supported by each respective network switch” and a central processing unit in the network switch which determines “at least a portion of the network path to the device based on the location data and the coverage zone information” (emphasis added). As discussed above with respect to amended independent Claims 1 and 9, Robert et al. does not teach the use of coverage zones defining the geographic scope of coverage

for mobile devices supported by network switches and does not determine network paths based on this coverage zone information. Accordingly, Applicants believe independent Claim 19, as amended, is patentable over Robert et al. and respectfully request the withdrawal of the rejection of this claim.

Claims 7, 17 and 26 were also rejected as anticipated by Robert et al. Applicants' note that these dependant claims are directed toward coverage zones and the data ranges related to the coverage zones. As noted above, Robert et al. does not teach or suggest use of coverage zones in which a network switch is defined, in part, by the geographic region that it supports. Further Claims 8, 18 and 27 depend from claim 7, 17 and 26, respectively. These claims are likewise allowable by virtue of Robert et al.'s failing to teach or suggest the use of coverage zones.

In paragraph 2 of the Office Action, the rejections to claims 3, 5-9, 11, 14, 15, 17-19, 21 and 23-27 each include "interpretations by the examiner" as to how particular functions of Robert et al. operate and/or the intended teachings of parts of Robert et al. It appears to Applicants' that the Examiner's observations and interpretations represent the Examiner's reliance on his or other's knowledge of the art. Applicants' respectfully refer the Examiner to M.P.E.P. § 2144.03. In making the rejections to Claims 3, 5-9, 11, 14, 15, 17-19, 21 and 23-27 based on the Examiner's interpretations, the Examiner provided no documentary evidence to support these interpretations nor any technical line of reasoning to support the assertions made in the Office Action. Accordingly, Applicants' respectfully traverse the Examiner's rejection of these claims.

In particular, with respect to Claims 3, 6, 11, 16, 21 and 25, the Office Action provides no support for the Examiner's proposition that the IP address of the MAN ID provides

information on a routing domain. Similarly, the rejection to Claims 5, 15 and 24 provides no support for the Examiner's interpretation that all receiving nodes have a broadcast address that a source node put in a network packet includes location data. With respect to Claims 7, 17 and 26, the Office Action provides no support for the Examiner's interpretation that Robert et al.'s "distance corresponds to a location data range to a destination MAN (or network switch) in a particular area." With respect to Claims 8, 18 and 27, as noted above, the Office Action provides no support for the Examiner's interpretation that the "distance corresponds to a location data range to a destination MAN".

With respect to Claim 9, there is simply no support for the Examiner's interpretation that "FIG. 2 shows a migratory access node that comprises a mobile or data terminal and a router and is described as migratory 'black box' autonomous nodes, whereby individuals possessing such a node device may communicate with each other and/or permit their node devices to relay messages transgressing the migratory network.." There is no correlation or suggestion of correlation between the block diagram of a node shown in FIG. 2 and the description in the background section cited in the Office Action.

With respect to Claims 14 and 23, the interpretation on page 9 of the Office Action that "the cpu in the source MAN (second router) encapsulates the data packet" is without support as is the interpretation that "removing [the] MNID is functionally equivalent to decapsulating the data packet".

In sum, Applicants assert that the Examiner's interpretations are not well known facts and are not supported by factual bases in the Office Action. Accordingly, Applicants respectfully request that the Examiner provide documentary support as to why these interpretations are

supported by common knowledge and/or provide prior art supporting the Examiners assertions. If the examiner is relying on personal knowledge to support these interpretations, the Examiner must provide an affidavit or declaration setting forth specific factual statements and an explanation to support the findings as set forth in M.P.E.P. § 2144.03C.

Claim 28 was rejected in paragraph 4 of the Office Action under 35 U.S.C. § 103(a) as obvious from Robert et al. in view of U.S. Patent No. 6,496,189 (Yaron et al.). Initially, Applicants note that Claim 28 is believed patentable by virtue of its dependency on independent Claim 19, whose patentability is discussed above. Applicants respectfully assert that Claim 28 is additionally patentable because one of ordinary skill in the art would not be motivated to combine the teachings of Yaron et al. with those of Robert et al. to arrive at Applicants' claimed invention.

Robert et al. is directed to a wireless communication network in which a system for communication among a plurality of mobile nodes is taught. Yaron et al., on the other hand, has absolutely nothing to do with both Applicants' claimed invention or Robert et al. Yaron et al. is directed to a method of providing data describing three dimensional terrain to a renderer. Applicants respectfully remind the Examiner that, under M.P.E.P. § 2141.01(a), prior art must be analogous in order for it to be relied upon in rendering a rejection under 35 U.S.C. § 103(a). Not only are the fields of the Yaron et al. and Robert et al. references different, but the Yaron et al. reference is not in the field of Applicants' endeavor and is in no way pertinent to the particular problem with which Applicants' invention is concerned, namely wireless communication to/from mobile devices.

Applicants also remind the Examiner that, to support a rejection under 35 U.S.C. § 103(a), there must be some motivation, teaching or suggestion to modify the references to arrive at Applicants' claimed invention. See M.P.E.P. §§ 2143 and 2143.01. Further, such teaching must be found in the prior art and not in Applicants' disclosure. Applicants assert that there is simply no teaching or suggestion in Yaron et al. that would motivate a person of ordinary skill in the art to combine the teachings of this three dimensional rendering-based reference with the teachings of a reference directed toward wireless communication. Likewise, there is no converse teaching or suggestion in the Robert et al. reference. For at least these reasons, Claim 28 is believed patentable. Accordingly, Applicants respectfully request that the rejection to Claim 28 be withdrawn.

Claims 2-8, 10-18 and 20-28 are each dependent either directly or indirectly from one or another of independent Claims 1, 9 and 19, discussed above. These claims recite additional limitations which, in conformity with the features of their corresponding independent claim, are not disclosed or suggested by the art of record. The dependent claims are therefore believed patentable. However, the individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

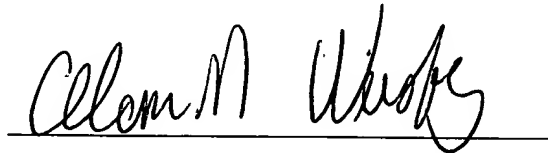
For all of the above reasons, the claim objections are believed to have been overcome placing Claims 1-28 in condition for allowance, and reconsideration and allowance thereof is respectfully requested.

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The Examiner is encouraged to telephone the undersigned to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Alan M. Weisberg", is written over a horizontal line.

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